

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

GEORGE SCHMIDT, JR., et al.

Plaintiffs,

v.

DIRECTV, LLC, et al.

Defendants.

Case No. 3:14-CV-03000-JRT-JSM

District Judge John R. Tunheim
Magistrate Judge Janie S. Mayeron

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs, at the Court's request, provide the following Notice of Supplemental Authority in connection with Plaintiffs' Opposition (Doc. 111) to Defendants' Motions to Dismiss (Docs. 101 & 102):

1. In Plaintiffs' Opposition to Defendant's Motion to Dismiss, Plaintiffs cited four related actions in which sister districts denied motions to dismiss similar to the Defendants' Motions to Dismiss at bar. *See* Pl's. Opp. at p. 2.

2. Since that filing, ten other district courts have ruled on similar motions filed by Defendants in those related actions. On July 15, 2015, Defendants submitted to this Court a Notice of Supplemental Authority, but Defendants only provided one of the fourteen orders issued in the related actions. *See* email communication from Jacqui Armstrong, dated July 15, 2015, submitted to this Court on behalf of Defendants' counsel.

3. Attached hereto for the Court's consideration is an Appendix of Orders containing *all* Orders issued to-date in the following related actions:

- *McCaffery v. DIRECTV*, Case No. 14-C-0877 (E.D. Wisc. July 27, 2015) (denying DIRECTV and DirectSat USA, LLC's motion to dismiss on all grounds except those relating to minimum wage claims for certain plaintiffs)
- *Collins v. DIRECTV*, Case No. 4:14-c-00635-GKF (N.D. Okla. July 8, 2015) (denying DIRECTV motion to dismiss in all respects)
- *Roslov v. DIRECTV*, Case No. 3:14-cv-02441-ARC (E.D. Ark. June 9, 2015) (denying DIRECTV and Multiband motion to dismiss in all respects)
- *Chesley v. DIRECTV*, Case No. 1:14-cv-00468-PB (D.N.H. June 8, 2015) (generally denying DIRECTV and Multiband's motions to dismiss but granting, with leave to amend, on willfulness and sufficiency of minimum wage claims under First Circuit precedent)
- *Alston v. DIRECTV*, Case No. 3:14-cv-04093-MGL (D.S.C. May 22, 2015) (denying DIRECTV and MasTec motion to dismiss in all respects)
- *Cooper v. DIRECTV*, Case No. CV 14-08097-AB (C.D. Cal. May 21, 2015) (denying DIRECTV's motion to dismiss on "employment" issue but granting, with leave to amend on willfulness and sufficiency of minimum wage claims under Ninth Circuit precedent)
- *Aldrich v. DIRECTV*, Case No. 1:14-cv-02854-MJW (D. Colo. May 20, 2015) (denying DIRECTV motion to dismiss in all respects)
- *Doucette v. DIRECTV*, Case No. 2:14-cv-02800-STA-tmp (W.D. Tenn. May 18, 2015) (denying DIRECTV and Multiband motion to dismiss in all but one respect; the individual claims of one technician were held to be time-barred)
- *Andersen v. DIRECTV*, Case No. 2:14-cv-02307-SRB (D. Ariz. May 5, 2015) (denying DIRECTV's motion to dismiss on "willfulness" issue but granting, with leave to amend, on sufficiency of minimum wage claims under Ninth Circuit precedent)
- *Amponsah v. DIRECTV*, No. 14-3314-ODE (N.D. Ga. Apr. 15, 2015) (Doc. 47) (denying DIRECTV and MasTec's motion to dismiss on basis that minimum wage and willfulness insufficiently pled; denying DIRECTV's challenge to plaintiffs' joint employer allegations; but granting Multiband and MasTec's motions with leave to amend on sufficiency of joint employer allegations)
- *Renteria-Camacho v. DIRECTV*, No. 14-2529-CM-JPO (Doc. 23) (D. Kan. Mar. 26, 2015) (denying DIRECTV's motion to dismiss in all respects)

- *Barbosa v. DIRECTV*, No. 14-13896-LTS (Doc. 24) (D. Mass. Mar. 11, 2015) (denying DIRECTV and Multiband's motion to dismiss in all respects)
- *Berger v. DIRECTV*, No. 14-1661-PK (Doc. 33) (D. Or. Mar. 6, 2015) (denying DIRECTV's motion to dismiss in all respects)
- *But see Hall v. DIRECTV*, Case No. 1:14-cv-02355-JFM, (D. Md. June 30, 2015) (granting motion to dismiss on "employment" grounds based on arguments not even raised by DIRECTV here)

4. Additionally, in a case filed by the U.S. Department of Labor, the Western District of Washington has recently found, as a matter of law, that DIRECTV was the employer of a class of alleged "independent contractor" technicians. *See Perez v. Lantern Light Corp.*, Case No. C12-01406-RSM (W.D. Wash May 29, 2015) (attached as Exhibit 12 to the Appendix of Orders filed herewith).

DATED: August 4, 2015

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CERTIFICATE OF SERVICE

I, Ryan O'Dell, hereby certify that, on this 4th day of August, 2015, I have filed the foregoing Notice of Supplemental Authority electronically with this Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document upon interested parties.

By: /s/ Ryan O'Dell
RYAN O'DELL
Attorney for Plaintiffs